

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, MAY 4, 2016

ONE HUNDRED SIXTY-SIXTH DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, May 4, 2016, 9:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Jeff Gill of the Central Christian Church in Newark, Ohio, followed by the Pledge of Allegiance to the Flag.

The following guests of the House of Representatives were recognized prior to the commencement of business:

Ben Sullivan received H.R. 353, presented by Representative Rezabek-43rd district.

Representatives from the R.C. Waters Elementary School received H.R. 311, presented by Representative Arndt-89th district.

Seth Beard received H.R. 349, presented by Representative McColley-81st district.

Sarah Hider received H.R. 308, presented by Representative Amstutz-1st district.

The Wadsworth High School girls basketball team received H.R. 346, presented by Representative Hambley-69th district.

Dave and Jane Hider, guests of Representative Amstutz-1st district.

Tim Hudson, a guest of Representatives Dovilla-7th district and Derickson-53rd district.

Students from the Yavneh High School Hebrew Academy of Cleveland, guests of Representative Boyd-9th district.

Bernadine Kent, a guest of Representative Boyce-25th district.

Sue Tucker, Ron Cable, and Mickey Valdez, guests of Representative Sykes-34th district.

Clayton Croom, a guest of Representative Ryan-71st district.

Ryan Campbell and Joe Dike, guests of Representative Arndt-89th district.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 549 - Representative Patterson.

Cosponsors: Representatives Antonio, Bishoff, O'Brien, S., Boggs, O'Brien, M., Reece, Howse.

To enact section 3333.27 of the Revised Code to create the STEM Degree

Loan Repayment Program and to make an appropriation.

H. B. No. 550 - Representative Arndt.

Cosponsor: Representative Schaffer.

To enact section 3318.39 of the Revised Code to require the Ohio School Facilities Commission to establish a program assisting school districts in purchasing technology and making physical alterations to improve technology infrastructure and school safety and security.

Said bills were considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 299**-Representatives Blessing, Rezabek, et al., were taken up for consideration.

Sub. H. B. No. 299-Representatives Blessing, Rezabek.

Cosponsors: Representatives Butler, Terhar, Dever, Brenner, Bishoff, LaTourette, Grossman, Huffman, Schaffer, Amstutz, Anielski, Ashford, Baker, Barnes, Boyce, Boyd, Brown, Buchy, Burkley, Conditt, Craig, Driehaus, Duffey, Green, Hackett, Hall, Hambley, Hayes, Henne, Hill, Johnson, G., Johnson, T., Kuhns, Kunze, Maag, Manning, O'Brien, M., O'Brien, S., Patmon, Pelanda, Perales, Reece, Reineke, Rogers, Ruhl, Ryan, Scherer, Schuring, Sheehy, Slesnick, Sprague, Stinziano, Strahorn, Sweeney, Sykes, Thompson Senators Hite, Bacon, Balderson, Brown, Coley, Eklund, Jones, LaRose, Lehner, Obhof, Oelslager, Patton, Peterson, Seitz, Thomas.

To amend sections 3301.079, 3301.0711, 3301.0712, 3301.16, 3310.03, 3310.14, 3310.41, 3310.522, 3313.612, 3313.615, 3313.619, and 3313.976 of the Revised Code to permit the temporary, legal, or permanent custodian of a qualified child to apply for an Autism Scholarship and to revise the law regarding the testing and graduation requirements for students attending a chartered nonpublic school.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted – yeas 96, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Amstutz	Anielski	Antani	Antonio
Arndt	Ashford	Baker	Barnes
Becker	Bishoff	Blessing	Bocchieri
Boggs	Boose	Boyce	Boyd
Brenner	Brinkman	Brown	Buchy
Burkley	Butler	Celebrezze	Cera
Clyde	Conditt	Craig	Cupp
Curtin	Dean	Derickson	Dever
DeVitis	Dovilla	Driehaus	Duffey
Fedor	Ginter	Gonzales	Green

Grossman	Hall	Hambley	Hayes
Henne	Hill	Hood	Howse
Huffman	Johnson, G.	Johnson, T.	Koehler
Kuhns	Kunze	Landis	LaTourette
Leland	Lepore-Hagan	Maag	Manning
McClain	McColley	O'Brien, M.	O'Brien, S.
Patmon	Patterson	Pelanda	Perales
Phillips	Ramos	Reece	Reineke
Retherford	Rezabek	Roegner	Rogers
Romanchuk	Ruhl	Ryan	Schaffer
Schuring	Sears	Sheehy	Slaby
Smith, K.	Smith, R.	Sprague	Strahorn
Sweeney	Sykes	Terhar	Thompson
Vitale	Young	Zeltwanger	Rosenberger-96

The Senate amendments were concurred in.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Howse submitted the following report:

The standing committee on Community and Family Advancement to which was referred **H. B. No. 63**-Representatives Pelanda, Grossman, et. al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CHILD PLACED WITH ATTORNEY-IN-FACT-NOTIFIERS OF CHILD ABUSE OR NEGLECT-FILE COMPLAINT IF PLACEMENT UNSAFE

TIMOTHY E. GINTER
STEPHANIE D. HOWSE
KEVIN BOYCE
TIMOTHY DERICKSON
CHRISTINA HAGAN
RON HOOD
BILL PATMON

MARGARET CONDITT
NIRAJ J. ANTANI
JANINE R. BOYD
JONATHAN DEVER
BILL HAYES
JEFFREY A. MCCLAIN
RON YOUNG

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Johnson, G. submitted the following report:

The standing committee on Judiciary to which was referred **Sub. S. B. No. 215**-Senators Hughes, LaRose, et. al., having had the same under consideration, reports it back and recommends its passage.

RE: FORCIBLY ENTER MOTOR VEHICLE-RESCUE

MINOR/ANIMAL-IMMUNITY

Representative Butler moved to amend the title as follows:

Add the name: "Representative Celebrezze."

JIM BUTLER	NATHAN H. MANNING
GRETA JOHNSON	NIRAJ J. ANTANI
KRISTIN BOGGS	NICHOLAS CELEBREZZE
MARGARET CONDITT	ROBERT R. CUPP
JONATHAN DEVER	ROBERT MCCOLLEY
DOROTHY PELANDA	JEFFERY S. REZABEK
EMILIA STRONG SYKES	

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Ramos submitted the following report:

The standing committee on Finance to which was referred **S. B. No. 310**-Senator Oelslager, et. al., having had the same under consideration, reports it back and recommends its passage.

RE: CAPITAL APPROPRIATIONS-BIENNIUM ENDING 6/30/18

Representative Smith, R. moved to amend the title as follows:

Add the names: "Representatives Anielski, Burkley, Cera, Dovilla, Ramos."

RYAN SMITH	SCOTT RYAN
DENISE DRIEHAUS	MARLENE ANIELSKI
NICKIE J. ANTONIO	KEVIN BOYCE
TONY BURKLEY	JACK CERA
KATHLEEN CLYDE	ROBERT R. CUPP
TIMOTHY DERICKSON	MICHAEL D. DOVILLA
DOUG GREEN	CHERYL L. GROSSMAN
DAVID HALL	RONALD MAAG
JEFFREY A. MCCLAIN	ROBERT MCCOLLEY
MICHAEL J. O'BRIEN	JOHN PATTERSON
RICK PERALES	DEBBIE PHILLIPS
DANIEL RAMOS	ALICIA REECE
BILL REINEKE	MARK J. ROMANCHUK
BARBARA R. SEARS	ROBERT COLE SPRAGUE
EMILIA STRONG SYKES	ANDY THOMPSON

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Johnson, G. submitted the following report:

The standing committee on Judiciary to which was referred **H. B. No. 436-** Representatives Cupp, Rogers, et. al., having had the same under consideration, reports it back and recommends its passage.

RE: OVI-GRANT LIMITED DRIVING PRIVILEGES-TERMINATE IMMOBILIZATION ORDER

JIM BUTLER	NATHAN H. MANNING
GRETA JOHNSON	NIRAJ J. ANTANI
KRISTIN BOGGS	NICHOLAS CELEBREZZE
MARGARET CONDITT	ROBERT R. CUPP
JONATHAN DEVER	ROBERT MCCOLLEY
DOROTHY PELANDA	JEFFERY S. REZABEK
EMILIA STRONG SYKES	

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Fedor submitted the following report:

The standing committee on Education to which was referred **H. B. No. 438-** Representative Patterson, et. al., having had the same under consideration, reports it back and recommends its passage.

RE: OHIO PUBLIC EDUCATION APPRECIATION WEEK-WEEK BEFORE THANKSGIVING WEEK

Representative Brenner moved to amend the title as follows:

Add the names: "Brenner, Fedor, Cupp, Schaffer, Smith, R."

ANDREW BRENNER	TIMOTHY DERICKSON
TERESA FEDOR	LOUIS W. BLESSING III
JANINE R. BOYD	ROBERT R. CUPP
BILL HAYES	MICHAEL HENNE
STEPHEN A. HUFFMAN	J. KYLE KOEHLER
NATHAN H. MANNING	BILL PATMON
JOHN PATTERSON	DEBBIE PHILLIPS
DANIEL RAMOS	TIMOTHY O. SCHAFFER
MARILYN SLABY	KENT SMITH
RYAN SMITH	

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Johnson, G. submitted the following report:

The standing committee on Judiciary to which was referred **H. B. No. 439-** Representative Anielski, having had the same under consideration, reports it back and recommends its passage.

RE: IMPAIRED PERSON-INCLUDE AS VICTIM OF VOYEURISM
AND CERTAIN SEX OFFENSES

JIM BUTLER
GRETA JOHNSON
KRISTIN BOGGS
MARGARET CONDITT
JONATHAN DEVER
DOROTHY PELANDA
EMILIA STRONG SYKES

NATHAN H. MANNING
NIRAJ J. ANTANI
NICHOLAS CELEBREZZE
ROBERT R. CUPP
ROBERT MCCOLLEY
JEFFERY S. REZABEK

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Johnson, G. submitted the following report:

The standing committee on Judiciary to which was referred **H. B. No. 446-** Representative Manning, et. al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: TRAFFIC OFFENSE LAWS-REVISE

Representative Manning moved to amend as follows:

In line 1037, delete "or family"

In line 1038, delete "necessity"

In line 1039, delete "or family necessity"

The motion was agreed to and the bill so amended.

JIM BUTLER
GRETA JOHNSON
KRISTIN BOGGS
MARGARET CONDITT
JONATHAN DEVER
DOROTHY PELANDA
EMILIA STRONG SYKES

NATHAN H. MANNING
NIRAJ J. ANTANI
NICHOLAS CELEBREZZE
ROBERT R. CUPP
ROBERT MCCOLLEY
JEFFERY S. REZABEK

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Rogers submitted the following report:

The standing committee on Local Government to which was referred **H. B. No. 455**-Representatives Patterson, Roegner, et. al., having had the same under consideration, reports it back and recommends its passage.

RE: BOARDING SCHOOL-TRAFFIC ZONE-SPECIAL SPEED LIMIT

Representative Anielski moved to amend the title as follows:

Add the name: "Arndt."

MARLENE ANIELSKI	STEVEN ARNDT
JOHN M. ROGERS	NAN A. BAKER
JOHN BECKER	TERRY BOOSE
JANINE R. BOYD	MARGARET CONDITT
STEPHEN D. HAMBLEY	ALICIA REECE
JEFFERY S. REZABEK	MARGARET ANN RUHL

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Clyde submitted the following report:

The standing committee on Government Accountability and Oversight to which was referred **H. B. No. 471**-Representative Brown, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: BOARDS AND COMMISSIONS-HAVE COMPLETED WORK-REPEAL

Representative Blessing moved to amend the title as follows:

Add the names: "Blessing, Derickson, Pelanda."

TIM W. BROWN	LOUIS W. BLESSING III
KATHLEEN CLYDE	JIM BUCHY
JIM BUTLER	MICHAEL F. CURTIN
TIMOTHY DERICKSON	DOUG GREEN
DAVID LELAND	ROBERT MCCOLLEY
DOROTHY PELANDA	RYAN SMITH

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Fedor submitted the following report:

The standing committee on Education to which was referred **H. B. No. 481**-Representatives Thompson, Koehler, et. al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: SCHOOLS-ENROLLMENT REPORTS/WITHDRAWALS/
ASSESSMENTS

Representative Brenner moved to amend the title as follows:

Add the name: "Brenner."

ANDREW BRENNER	TIMOTHY DERICKSON
LOUIS W. BLESSING III	ROBERT R. CUPP
BILL HAYES	MICHAEL HENNE
J. KYLE KOEHLER	BILL PATMON
DEBBIE PHILLIPS	TIMOTHY O. SCHAFFER
MARILYN SLABY	KENT SMITH
RYAN SMITH	

The following members voted "NO"

TERESA FEDOR	JANINE R. BOYD
JOHN PATTERSON	DANIEL RAMOS

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

MOTIONS AND RESOLUTIONS

Representative Pelanda moved that majority party members asking leave to be absent or absent the week of Wednesday, May 4, 2016, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Antonio moved that minority party members asking leave to be absent or absent the week of Wednesday, May 4, 2016, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 152-Senator Uecker.

Cosponsors: Senators Seitz, Jones, Hottinger, Jordan, Lehner, Coley, Eklund, Oelslager.

To amend sections 4116.01, 4116.02, 4116.03, and 4116.04; to enact sections 9.75 and 4116.031; and to repeal sections 153.013, 153.83, and 5525.26 of the Revised Code to prohibit a public authority from requiring a contractor to employ a certain percentage of individuals from the geographic area of the public authority for the construction or professional design of a public improvement and to prohibit a state agency or state institution of

higher education from requiring a contractor to or prohibiting a contractor from entering into certain labor agreements as a condition of performing or bidding on a public improvement project, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Sykes moved to amend, amendment 2203, as follows:

In line 4 of the title, after "to" insert "generally"

In line 67, delete "division (C) and (D) of"

Between lines 96 and 97, insert:

"(E)(1) Except as provided in division (E)(2) of this section, nothing in this section prohibits a political subdivision of the state from requiring, for a project administered by the political subdivision, that a portion of the project be performed by residents of a particular area or region.

(2) Not more than five per cent of the total number of labor hours anticipated to be needed on a single project administered by a political subdivision may be apportioned to residents of a particular area or region under division (E)(1) of this section."

The question being, "Shall the motion to amend be agreed to?"

Representative Schuring moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted – yeas 62, nays 34, as follows:

Those who voted in the affirmative were: Representatives

Amstutz	Anielski	Antani	Arndt
Baker	Becker	Blessing	Boose
Brenner	Brown	Buchy	Burkley
Butler	Conditt	Cupp	Dean
Derickson	Dever	DeVitis	Dovilla
Duffey	Ginter	Gonzales	Green
Grossman	Hall	Hambley	Hayes
Henne	Hill	Hood	Huffman
Johnson, T.	Koehler	Kunze	Landis
LaTourette	Maag	Manning	McClain
McColley	Pelanda	Perales	Reineke
Retherford	Rezabek	Roegner	Romanchuk
Ruhl	Ryan	Schaffer	Schuring
Sears	Slaby	Smith, R.	Sprague
Terhar	Thompson	Vitale	Young
Zeltwanger			Rosenberger-62

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Bishoff
Bocchieri	Boggs	Boyce	Boyd
Brinkman	Celebrezze	Cera	Clyde
Craig	Curtin	Driehaus	Fedor

Howse	Johnson, G.	Kuhns	Leland
Lepore-Hagan	O'Brien, M.	O'Brien, S.	Patmon
Patterson	Phillips	Ramos	Reece
Rogers	Sheehy	Smith, K.	Strahorn
Sweeney			Sykes-34

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Johnson, G. moved to amend, amendment 2201, as follows:

In line 4 of the title, after "to" insert "generally"

In line 67, after "as" insert "otherwise"; delete "division (C) and (D) of"

Between lines 96 and 97, insert:

"(E) This section does not apply to a public improvement project that does not receive state funds.

(F) For purposes of division (E) of this section, "state funds" does not include either of the following:

(1) Funds that are required to be distributed to the public authority under the Ohio constitution;

(2) A loan from the state to the public authority."

Delete lines 224 through 244

The question being, "Shall the motion to amend be agreed to?"

Representative Schuring moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted – yeas 63, nays 33, as follows:

Those who voted in the affirmative were: Representatives

Amstutz	Anielski	Antani	Arndt
Baker	Becker	Blessing	Boose
Brenner	Brinkman	Brown	Buchy
Burkley	Butler	Conditt	Cupp
Dean	Derickson	Dever	DeVitis
Dovilla	Duffey	Ginter	Gonzales
Green	Grossman	Hall	Hambley
Hayes	Henne	Hill	Hood
Huffman	Johnson, T.	Koehler	Kunze
Landis	LaTourette	Maag	Manning
McClain	McColley	Pelanda	Perales
Reineke	Retherford	Rezabek	Roegner
Romanchuk	Ruhl	Ryan	Schaffer
Schuring	Sears	Slaby	Smith, R.
Sprague	Terhar	Thompson	Vitale
Young	Zeltwanger		Rosenberger-63

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Bishoff
Bocchieri	Boggs	Boyce	Boyd
Celebrezze	Cera	Clyde	Craig
Curtin	Driehaus	Fedor	Howse
Johnson, G.	Kuhns	Leland	Lepore-Hagan
O'Brien, M.	O'Brien, S.	Patmon	Patterson
Phillips	Ramos	Reece	Rogers
Sheehy	Smith, K.	Strahorn	Sweeney
			Sykes-33

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Celebrezze moved to amend, amendment 2205, as follows:

In line 1 of the title, after "To" delete the balance of the line

In line 2 of the title, delete "4116.04; to"; delete "sections" and insert "section"; delete "and 4116.031";

In line 3 of the title, delete ", 153.83,"

In line 9 of the title, after "improvement" delete the balance of the line

Delete lines 10 through 13 of the title

In line 14 of the title, delete "bidding on a public improvement project"

In line 15, after "That" delete the balance of the line

In line 16, delete "4116.04 be amended and sections" and insert "section"; delete "and 4116.031"

Delete lines 97 through 220

In line 221, after "That" delete the balance of the line

In line 222, delete "4116.03, and 4116.04 and"; delete ", 153.83,"

The question being, "Shall the motion to amend be agreed to?"

Representative Schuring moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted – yeas 60, nays 34, as follows:

Those who voted in the affirmative were: Representatives

Amstutz	Anielski	Antani	Arndt
Baker	Becker	Blessing	Boose
Brenner	Brinkman	Brown	Buchy
Burkley	Butler	Conditt	Cupp
Dean	Derickson	Dever	DeVitis
Dovilla	Duffey	Gonzales	Green
Grossman	Hall	Hambley	Hayes
Henne	Hill	Hood	Huffman

Koehler	Landis	LaTourette	Maag
Manning	McClain	McColley	Pelanda
Perales	Reineke	Retherford	Rezabek
Roegner	Romanchuk	Ruhl	Ryan
Schaffer	Schuring	Sears	Slaby
Smith, R.	Sprague	Terhar	Thompson
Vitale	Young	Zeltwanger	Rosenberger-60

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Bishoff
Bocchieri	Boggs	Boyce	Boyd
Celebrezze	Cera	Clyde	Craig
Curtin	Driehaus	Fedor	Ginter
Howse	Johnson, G.	Kuhns	Leland
Lepore-Hagan	O'Brien, M.	O'Brien, S.	Patmon
Patterson	Phillips	Ramos	Reece
Rogers	Sheehy	Smith, K.	Strahorn
Sweeney			Sykes-34

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 51, nays 45, as follows:

Those who voted in the affirmative were: Representatives

Amstutz	Antani	Arndt	Baker
Becker	Blessing	Boose	Brenner
Brinkman	Brown	Buchy	Burkley
Butler	Conditt	Dean	Derickson
Green	Grossman	Hall	Hambley
Hayes	Henne	Hill	Hood
Huffman	Koehler	Landis	LaTourette
Maag	McClain	McColley	Pelanda
Perales	Reineke	Retherford	Roegner
Romanchuk	Ruhl	Ryan	Schaffer
Schuring	Sears	Slaby	Smith, R.
Sprague	Terhar	Thompson	Vitale
Young	Zeltwanger		Rosenberger-51

Those who voted in the negative were: Representatives

Anielski	Antonio	Ashford	Barnes
Bishoff	Bocchieri	Boggs	Boyce
Boyd	Celebrezze	Cera	Clyde
Craig	Cupp	Curtin	Dever
DeVitis	Dovilla	Driehaus	Duffey
Fedor	Ginter	Gonzales	Howse
Johnson, G.	Johnson, T.	Kuhns	Kunze
Leland	Lepore-Hagan	Manning	O'Brien, M.
O'Brien, S.	Patmon	Patterson	Phillips
Ramos	Reece	Rezabek	Rogers
Sheehy	Smith, K.	Strahorn	Sweeney
			Sykes-45

The bill passed.

Representative Maag moved to amend the title as follows:

Add the names: "Representatives Amstutz, Antani, Becker, Boose, Brenner, Brinkman, Buchy, Butler, Hood, Huffman, McClain, McColley, Perales, Roegner, Schaffer, Smith, R., Vitale, Young, Zeltwanger, Speaker Rosenberger."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

S. B. No. 310-Senator Oelslager.

Cosponsors: Senators Coley, Hite, Tavares, Gentile, Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Eklund, Hackett, Hughes, LaRose, Lehner, Obhof, Patton, Sawyer, Seitz, Thomas, Uecker, Williams, Yuko
Representatives Anielski, Burkley, Cera, Dovilla, Ramos.

To amend sections 123.22, 151.01, 151.08, 151.10, 164.03, 164.05, 164.06, 164.08, 164.22, 3318.034, 3318.084, 5139.271, 5751.02, and 5751.20 of the Revised Code and to amend Sections 273.30 and 287.10 of Am. Sub. S.B. 260 of the 131st General Assembly to make capital appropriations and changes to the law governing capital projects for the biennium ending June 30, 2018, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 95, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Amstutz	Anielski	Antani	Antonio
Arndt	Ashford	Baker	Barnes
Becker	Bishoff	Blessing	Bocchieri
Boggs	Boose	Boyce	Boyd
Brenner	Brinkman	Brown	Buchy
Burkley	Butler	Celebrezze	Cera
Clyde	Conditt	Craig	Cupp
Curtin	Dean	Derickson	Dever
DeVitis	Dovilla	Driehaus	Duffey
Fedor	Ginter	Gonzales	Green
Grossman	Hall	Hambley	Hayes
Henne	Hill	Hood	Howse
Huffman	Johnson, G.	Johnson, T.	Koehler
Kuhns	Kunze	Landis	LaTourette
Leland	Lepore-Hagan	Maag	Manning
McClain	McColley	O'Brien, M.	O'Brien, S.
Patmon	Patterson	Pelanda	Perales
Phillips	Ramos	Reece	Reineke
Retherford	Rezabek	Roegner	Rogers
Romanchuk	Ruhl	Ryan	Schaffer
Schuring	Sears	Sheehy	Slaby
Smith, K.	Smith, R.	Sprague	Strahorn
Sweeney	Sykes	Terhar	Thompson
Vitale	Young		Rosenberger-95

Representative Zeltwanger voted in the negative-1.

The bill passed.

Representative Smith, R. moved to amend the title as follows:

Add the names: "Amstutz, Antani, Antonio, Arndt, Ashford, Baker, Blessing, Boose, Boyd, Buchy, Celebrezze, Clyde, Conditt, Derickson, Dever, DeVitis, Driehaus, Duffey, Fedor, Ginter, Green, Grossman, Hambley, Hayes, Hill, Johnson, T., Kuhns, Kunze, Landis, LaTourette, Leland, Lepore-Hagan, Manning, McClain, McColley, O'Brien, M., Patmon, Patterson, Pelanda, Perales, Reece, Reineke, Rogers, Ruhl, Schaffer, Schuring, Sears, Slaby, Smith, K., Smith, R., Sweeney, Terhar, Speaker Rosenberger."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 466-Representative Smith, R.

Cosponsors: Representatives Schaffer, Dever, Hambley, Rogers.

To amend section 5739.01 of the Revised Code to specifically exempt digital advertising services from sales and use tax, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Cera moved to amend, amendment 2197, as follows:

In line 1 of the title, delete "section" and insert "sections 131.51,"; after "5739.01" insert ", and 5739.02 and to enact sections 130.40, 5739.212, and 5741.033"

In line 3 of the title, after "tax" insert ", to exempt from sales and use tax the sale of nonprescription human drugs, feminine hygiene products associated with menstruation, and disposable baby diapers, to reimburse the Local Government Fund and Public Library Fund and county and transit sales and use tax collections for any revenue lost due to those exemptions, and to create the Legislative Commission on Middle Class Economic Strength to study proposed income, sales, or use tax legislation that changes the proportionate tax burden among income classes or other classes"

In line 4, delete "section" and insert "sections 131.51,"; after "5739.01" insert ", and 5739.02"; delete "of the Revised Code"

In line 5, after the "amended" insert "and sections 130.40, 5739.212, and 5741.033 of the Revised Code be enacted"

Between lines 5 and 6, insert:

"Sec. 130.40. (A) There is hereby created the legislative commission on middle class economic strength, consisting of twelve members, composed of the following:

(1) The chairperson and ranking minority member of the committee of the house of representatives that primarily deals with state finance and appropriations;

(2) The chairperson and ranking minority member of the committee of the senate that primarily deals with state finance and appropriations;

(3) The chairperson and ranking minority member of the committee of the house of representatives that primarily deals with taxation;

(4) The chairperson and ranking minority member of the committee of the senate that primarily deals with taxation;

(5) One member of the house of representatives appointed by the speaker of the house of representatives;

(6) One member of the house of representatives appointed by the minority leader of the house of representatives;

(7) One member of the senate appointed by the president of the senate;

(8) One member of the senate appointed by the minority leader of the senate.

A vacancy on the commission for a member appointed under divisions (A)(5) to (8) of this section shall be filled by the member's appointing authority, in the same manner as the original appointment.

Members of the commission shall serve during their terms as members of the general assembly and until their successors are appointed and qualified, notwithstanding the adjournment of the general assembly of which they are members or the expiration of their terms as members of such general assembly.

(B) Meetings of the commission shall be called in such manner and at such times as prescribed by rules adopted by the commission. A vacancy on the commission does not impair the right of the other members to exercise all the functions of the commission. The presence of a majority of the members of the commission constitutes a quorum for the conduct of business of the commission. The concurrence of at least a majority of the members of the commission is necessary for any action to be taken by the commission. At the first meeting of the commission, which shall occur within ninety days after the effective date of the enactment of this section, members shall elect a chairperson, vice-chairperson, and such other officers as the commission considers necessary. The chairperson and the vice-chairperson shall not be members of the same political party. The chair and the vice-chair shall alternate each year between members of the majority and minority political parties.

The commission shall adopt rules for the conduct of its business and the election of its officers, and shall establish an office in Columbus.

Members of the commission shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

The commission is a public body for the purposes of section 121.22 of the Revised Code. Records of the commission are public records for purposes of section 149.43 of the Revised Code.

(C) The commission shall do all of the following:

(1) Identify any legislation, including amendments incorporated into pending legislation, proposed by the general assembly that affects a tax levied under Chapter 5739., 5741., or 5747. of the Revised Code and that may change the distribution of the incidence of such taxes among income classes, and issue a report to the general assembly on the extent to which that distribution would be affected by the legislation. In the case of legislation proposed in the form of an introduced bill or resolution, the report shall be issued before the bill or resolution receives its second consideration in the house of introduction; in the case of legislation proposed as an amendment incorporated into a pending bill or resolution, the report shall be issued as soon as is practicable after the amendment is adopted as a part of the pending bill or resolution.

(2) Prescribe demographic or geographic classes other than income classes for purposes of analyzing proposed legislation under division (C)(3) of this section.

(3) Study every provision of proposed legislation the commission studies under division (C)(1) of this section that may change the distribution of the incidence of such taxes among the demographic or geographic classes prescribed by the commission under division (C)(2) of this section, and include in the report issued under division (C)(1) of this section information on the extent to which that distribution is affected. If the commission finds that it is not feasible to analyze the distributional effects of a provision on one or more of the classes prescribed under division (C)(2) of this section, the report shall include an explanation of the reasons such an analysis is not feasible.

(4) Make an annual report to the governor and general assembly summarizing its studies and reports under divisions (C)(1) and (3) and (D) of this section for the preceding year.

(5) Appoint a director to manage and direct the duties of the staff of the commission. The director shall be a person with training and experience in areas related to the duties of the commission.

(6) Appoint professional, technical, and clerical employees as are necessary, and employ or hire on a consulting basis legal or other technical services required for the performance of the commission's duties.

(7) Fix the compensation of the director and all other employees of the commission. The employees of the commission shall be members of the public employees retirement system.

(D) The commission may report to the general assembly whether proposed legislation studied under division (C) of this section is in the best interests of the people of this state.

(E) The compensation of all employees of the commission and other expenses of the commission shall be paid upon vouchers approved by the director and the chairperson of the commission. Compensation and other expenses of the commission shall be paid from money appropriated by the general assembly for that purpose.

The commission shall establish policies and procedures for purchasing goods and services on a competitive basis and maintaining tangible personal property. The policies and procedures shall be designed to safeguard the use of funds received by the commission. An audit performed under Chapter 117. of the Revised Code shall include a determination of the commission's compliance with the policies and procedures.

(F) The department of taxation and the office of budget and management shall provide any assistance or information, except otherwise confidential information, to the commission as requested by the commission.

Sec. 131.51. (A) On or before July 5, 2013, the tax commissioner shall compute the following amounts and certify those amounts to the director of budget and management:

(1) A percentage calculated by multiplying one hundred by the quotient obtained by dividing the total amount credited to the local government fund in fiscal year 2013 by the total amount of tax revenue credited to the general revenue fund in fiscal year 2013. The percentage shall be rounded to the nearest one-hundredth of one per cent.

(2) A percentage calculated by multiplying one hundred by the quotient obtained by dividing the total amount credited to the public library fund in fiscal year 2013 by the total amount of tax revenue credited to the general revenue fund in fiscal year 2013. The percentage shall be rounded to the nearest one-hundredth of one per cent.

(B) On or before the seventh day of each month, the director of budget and management shall credit to the local government fund an amount equal to the product obtained by multiplying the percentage calculated under division (A)(1) of this section by the sum of the total tax revenue credited to the general revenue fund during the preceding month plus the supplemental distribution. In determining the total tax revenue credited to the general revenue fund during the preceding month, the director shall include amounts transferred from the fund during the preceding month under this division and

division (C) of this section. Money shall be distributed from the local government fund as required under section 5747.50 of the Revised Code during the same month in which it is credited to the fund.

(C) On or before the seventh day of each month, the director of budget and management shall credit to the public library fund an amount equal to the product obtained by multiplying the percentage calculated under division (A)(2) of this section by the sum of the total tax revenue credited to the general revenue fund during the preceding month plus the supplemental distribution. In determining the total tax revenue credited to the general revenue fund during the preceding month, the director shall include amounts transferred from the fund during the preceding month under this division and division (B) of this section. Money shall be distributed from the public library fund as required under section 5747.47 of the Revised Code during the same month in which it is credited to the fund.

(D) The director of budget and management shall develop a schedule identifying the specific tax revenue sources to be used to make the monthly transfers required under divisions (B) and (C) of this section. The director may, from time to time, revise the schedule as the director considers necessary.

(E) As used in this section, "supplemental distribution" means the difference obtained by subtracting the total tax revenue credited to the general revenue fund during the preceding month from the amount of such revenue the commissioner estimates would have been credited to that fund during that month if sections 131.51 and 5739.02 of the Revised Code had not been amended by H.B. 466 of the 131st general assembly."

Between lines 1138 and 1139, insert:

"Sec. 5739.02. For the purpose of providing revenue with which to meet the needs of the state, for the use of the general revenue fund of the state, for the purpose of securing a thorough and efficient system of common schools throughout the state, for the purpose of affording revenues, in addition to those from general property taxes, permitted under constitutional limitations, and from other sources, for the support of local governmental functions, and for the purpose of reimbursing the state for the expense of administering this chapter, an excise tax is hereby levied on each retail sale made in this state.

(A)(1) The tax shall be collected as provided in section 5739.025 of the Revised Code. The rate of the tax shall be five and three-fourths per cent. The tax applies and is collectible when the sale is made, regardless of the time when the price is paid or delivered.

(2) In the case of the lease or rental, with a fixed term of more than thirty days or an indefinite term with a minimum period of more than thirty days, of any motor vehicles designed by the manufacturer to carry a load of

not more than one ton, watercraft, outboard motor, or aircraft, or of any tangible personal property, other than motor vehicles designed by the manufacturer to carry a load of more than one ton, to be used by the lessee or renter primarily for business purposes, the tax shall be collected by the vendor at the time the lease or rental is consummated and shall be calculated by the vendor on the basis of the total amount to be paid by the lessee or renter under the lease agreement. If the total amount of the consideration for the lease or rental includes amounts that are not calculated at the time the lease or rental is executed, the tax shall be calculated and collected by the vendor at the time such amounts are billed to the lessee or renter. In the case of an open-end lease or rental, the tax shall be calculated by the vendor on the basis of the total amount to be paid during the initial fixed term of the lease or rental, and for each subsequent renewal period as it comes due. As used in this division, "motor vehicle" has the same meaning as in section 4501.01 of the Revised Code, and "watercraft" includes an outdrive unit attached to the watercraft.

A lease with a renewal clause and a termination penalty or similar provision that applies if the renewal clause is not exercised is presumed to be a sham transaction. In such a case, the tax shall be calculated and paid on the basis of the entire length of the lease period, including any renewal periods, until the termination penalty or similar provision no longer applies. The taxpayer shall bear the burden, by a preponderance of the evidence, that the transaction or series of transactions is not a sham transaction.

(3) Except as provided in division (A)(2) of this section, in the case of a sale, the price of which consists in whole or in part of the lease or rental of tangible personal property, the tax shall be measured by the installments of that lease or rental.

(4) In the case of a sale of a physical fitness facility service or recreation and sports club service, the price of which consists in whole or in part of a membership for the receipt of the benefit of the service, the tax applicable to the sale shall be measured by the installments thereof.

(B) The tax does not apply to the following:

(1) Sales to the state or any of its political subdivisions, or to any other state or its political subdivisions if the laws of that state exempt from taxation sales made to this state and its political subdivisions;

(2) Sales of food for human consumption off the premises where sold;

(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private, public, or parochial school, college, or university;

(4) Sales of newspapers and sales or transfers of magazines

distributed as controlled circulation publications;

(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part compensation for services performed or work done;

(6) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under division (A) of section 5735.14 of the Revised Code; and the tax commissioner may deduct the amount of tax levied by this section applicable to the price of motor fuel when granting a refund of motor fuel tax pursuant to division (A) of section 5735.14 of the Revised Code and shall cause the amount deducted to be paid into the general revenue fund of this state;

(7) Sales of natural gas by a natural gas company, of water by a water-works company, or of steam by a heating company, if in each case the thing sold is delivered to consumers through pipes or conduits, and all sales of communications services by a telegraph company, all terms as defined in section 5727.01 of the Revised Code, and sales of electricity delivered through wires;

(8) Casual sales by a person, or auctioneer employed directly by the person to conduct such sales, except as to such sales of motor vehicles, watercraft or outboard motors required to be titled under section 1548.06 of the Revised Code, watercraft documented with the United States coast guard, snowmobiles, and all-purpose vehicles as defined in section 4519.01 of the Revised Code;

(9)(a) Sales of services or tangible personal property, other than motor vehicles, mobile homes, and manufactured homes, by churches, organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, or nonprofit organizations operated exclusively for charitable purposes as defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year, except as otherwise provided in division (B)(9)(b) of this section. If the number of days on which such sales are made exceeds six in any calendar year, the church or organization shall be considered to be engaged in business and all subsequent sales by it shall be subject to the tax. In counting the number of days, all sales by groups within a church or within an organization shall be considered to be sales of that church or organization.

(b) The limitation on the number of days on which tax-exempt sales may be made by a church or organization under division (B)(9)(a) of this section does not apply to sales made by student clubs and other groups of students of a primary or secondary school, or a parent-teacher association,

booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school.

(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station.

(10) Sales not within the taxing power of this state under the Constitution or laws of the United States or the Constitution of this state;

(11) Except for transactions that are sales under division (B)(3)(r) of section 5739.01 of the Revised Code, the transportation of persons or property, unless the transportation is by a private investigation and security service;

(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; sales to offices administering one or more homes for the aged or one or more hospital facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D) of section 5709.12 of the Revised Code.

"Charitable purposes" means the relief of poverty; the improvement of health through the alleviation of illness, disease, or injury; the operation of an organization exclusively for the provision of professional, laundry, printing, and purchasing services to hospitals or charitable institutions; the operation of a home for the aged, as defined in section 5701.13 of the Revised Code; the operation of a radio or television broadcasting station that is licensed by the federal communications commission as a noncommercial educational radio or television station; the operation of a nonprofit animal adoption service or a county humane society; the promotion of education by an institution of learning that maintains a faculty of qualified instructors, teaches regular continuous courses of study, and confers a recognized diploma upon completion of a specific curriculum; the operation of a parent-teacher association, booster group, or similar organization primarily engaged in the promotion and support of the curricular or extracurricular activities of a primary or secondary school; the operation of a community or area center in which presentations in music, dramatics, the arts, and related fields are made in order to foster public interest and education therein; the production of performances in music, dramatics, and the arts; or the promotion of education by an organization engaged in carrying on research in, or the dissemination of, scientific and technological knowledge and information primarily for the public.

Nothing in this division shall be deemed to exempt sales to any organization for use in the operation or carrying on of a trade or business, or sales to a home for the aged for use in the operation of independent living facilities as defined in division (A) of section 5709.12 of the Revised Code.

(13) Building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property under a construction contract with this state or a political subdivision of this state, or with the United States government or any of its agencies; building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property that are accepted for ownership by this state or any of its political subdivisions, or by the United States government or any of its agencies at the time of completion of the structures or improvements; building and construction materials sold to construction contractors for incorporation into a horticulture structure or livestock structure for a person engaged in the business of horticulture or producing livestock; building materials and services sold to a construction contractor for incorporation into a house of public worship or religious education, or a building used exclusively for charitable purposes under a construction contract with an organization whose purpose is as described in division (B)(12) of this section; building materials and services sold to a construction contractor for incorporation into a building under a construction contract with an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 when the building is to be used exclusively for the organization's exempt purposes; building and construction materials sold for incorporation into the original construction of a sports facility under section 307.696 of the Revised Code; building and construction materials and services sold to a construction contractor for incorporation into real property outside this state if such materials and services, when sold to a construction contractor in the state in which the real property is located for incorporation into real property in that state, would be exempt from a tax on sales levied by that state; building and construction materials for incorporation into a transportation facility pursuant to a public-private agreement entered into under sections 5501.70 to 5501.83 of the Revised Code; and, until one calendar year after the construction of a convention center that qualifies for property tax exemption under section 5709.084 of the Revised Code is completed, building and construction materials and services sold to a construction contractor for incorporation into the real property comprising that convention center;

(14) Sales of ships or vessels or rail rolling stock used or to be used principally in interstate or foreign commerce, and repairs, alterations, fuel, and lubricants for such ships or vessels or rail rolling stock;

(15) Sales to persons primarily engaged in any of the activities

mentioned in division (B)(42)(a), (g), or (h) of this section, to persons engaged in making retail sales, or to persons who purchase for sale from a manufacturer tangible personal property that was produced by the manufacturer in accordance with specific designs provided by the purchaser, of packages, including material, labels, and parts for packages, and of machinery, equipment, and material for use primarily in packaging tangible personal property produced for sale, including any machinery, equipment, and supplies used to make labels or packages, to prepare packages or products for labeling, or to label packages or products, by or on the order of the person doing the packaging, or sold at retail. "Packages" includes bags, baskets, cartons, crates, boxes, cans, bottles, bindings, wrappings, and other similar devices and containers, but does not include motor vehicles or bulk tanks, trailers, or similar devices attached to motor vehicles. "Packaging" means placing in a package. Division (B)(15) of this section does not apply to persons engaged in highway transportation for hire.

(16) Sales of food to persons using supplemental nutrition assistance program benefits to purchase the food. As used in this division, "food" has the same meaning as in 7 U.S.C. 2012 and federal regulations adopted pursuant to the Food and Nutrition Act of 2008.

(17) Sales to persons engaged in farming, agriculture, horticulture, or floriculture, of tangible personal property for use or consumption primarily in the production by farming, agriculture, horticulture, or floriculture of other tangible personal property for use or consumption primarily in the production of tangible personal property for sale by farming, agriculture, horticulture, or floriculture; or material and parts for incorporation into any such tangible personal property for use or consumption in production; and of tangible personal property for such use or consumption in the conditioning or holding of products produced by and for such use, consumption, or sale by persons engaged in farming, agriculture, horticulture, or floriculture, except where such property is incorporated into real property;

(18) Sales of drugs for a human being ~~that may be dispensed only pursuant to a prescription~~; insulin as recognized in the official United States pharmacopoeia; urine and blood testing materials when used by diabetics or persons with hypoglycemia to test for glucose or acetone; hypodermic syringes and needles when used by diabetics for insulin injections; epoetin alfa when purchased for use in the treatment of persons with medical disease; hospital beds when purchased by hospitals, nursing homes, or other medical facilities; and medical oxygen and medical oxygen-dispensing equipment when purchased by hospitals, nursing homes, or other medical facilities;

(19) Sales of prosthetic devices, durable medical equipment for home use, or mobility enhancing equipment, when made pursuant to a prescription and when such devices or equipment are for use by a human being.

(20) Sales of emergency and fire protection vehicles and equipment to nonprofit organizations for use solely in providing fire protection and emergency services, including trauma care and emergency medical services, for political subdivisions of the state;

(21) Sales of tangible personal property manufactured in this state, if sold by the manufacturer in this state to a retailer for use in the retail business of the retailer outside of this state and if possession is taken from the manufacturer by the purchaser within this state for the sole purpose of immediately removing the same from this state in a vehicle owned by the purchaser;

(22) Sales of services provided by the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities, or by governmental entities of the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities;

(23) Sales of motor vehicles to nonresidents of this state under the circumstances described in division (B) of section 5739.029 of the Revised Code;

(24) Sales to persons engaged in the preparation of eggs for sale of tangible personal property used or consumed directly in such preparation, including such tangible personal property used for cleaning, sanitizing, preserving, grading, sorting, and classifying by size; packages, including material and parts for packages, and machinery, equipment, and material for use in packaging eggs for sale; and handling and transportation equipment and parts therefor, except motor vehicles licensed to operate on public highways, used in intraplant or interplant transfers or shipment of eggs in the process of preparation for sale, when the plant or plants within or between which such transfers or shipments occur are operated by the same person. "Packages" includes containers, cases, baskets, flats, fillers, filler flats, cartons, closure materials, labels, and labeling materials, and "packaging" means placing therein.

(25)(a) Sales of water to a consumer for residential use;

(b) Sales of water by a nonprofit corporation engaged exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing.

(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;

(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:

(a) To prepare food for human consumption for sale;

(b) To preserve food that has been or will be prepared for human

consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;

(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.

(28) Sales of animals by nonprofit animal adoption services or county humane societies;

(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;

(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;

(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;

(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;

(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;

(34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, one- or two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in this division shall be in lieu of all other exemptions under division (B)(42)(a) or (n) of this section to which the vendor may otherwise be entitled, based upon the use of the thing purchased in providing the telecommunications, mobile telecommunications, or satellite broadcasting service.

(35)(a) Sales where the purpose of the consumer is to use or consume the things transferred in making retail sales and consisting of newspaper inserts, catalogues, coupons, flyers, gift certificates, or other advertising material that prices and describes tangible personal property offered for retail sale.

(b) Sales to direct marketing vendors of preliminary materials such as photographs, artwork, and typesetting that will be used in printing advertising material; and of printed matter that offers free merchandise or chances to win sweepstake prizes and that is mailed to potential customers with advertising material described in division (B)(35)(a) of this section;

(c) Sales of equipment such as telephones, computers, facsimile machines, and similar tangible personal property primarily used to accept orders for direct marketing retail sales.

(d) Sales of automatic food vending machines that preserve food with a shelf life of forty-five days or less by refrigeration and dispense it to the consumer.

For purposes of division (B)(35) of this section, "direct marketing" means the method of selling where consumers order tangible personal property by United States mail, delivery service, or telecommunication and the vendor delivers or ships the tangible personal property sold to the consumer from a warehouse, catalogue distribution center, or similar fulfillment facility by means of the United States mail, delivery service, or common carrier.

(36) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;

(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;

(38) Sales to a professional racing team of any of the following:

(a) Motor racing vehicles;

(b) Repair services for motor racing vehicles;

(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.

(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;

(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating,

transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; energy conversion equipment as defined in section 5727.01 of the Revised Code; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exemptions in division (B)(42)(a) or (n) of this section to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.

(41) Sales to a person providing services under division (B)(3)(r) of section 5739.01 of the Revised Code of tangible personal property and services used directly and primarily in providing taxable services under that section.

(42) Sales where the purpose of the purchaser is to do any of the following:

(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining; or to use or consume the thing transferred directly in producing tangible personal property for sale by mining, including, without limitation, the extraction from the earth of all substances that are classed geologically as minerals, production of crude oil and natural gas, or directly in the rendition of a public utility service, except that the sales tax levied by this section shall be collected upon all meals, drinks, and food for human consumption sold when transporting persons. Persons engaged in rendering services in the exploration for, and production of, crude oil and natural gas for others are deemed engaged directly in the exploration for, and production of, crude oil and natural gas. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

(b) To hold the thing transferred as security for the performance of an obligation of the vendor;

(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;

(d) To use or consume the thing directly in commercial fishing;

(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of,

magazines distributed as controlled circulation publications;

(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;

(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;

(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;

(i) To use the thing transferred as qualified research and development equipment;

(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. This division does not apply to motor vehicles registered for operation on the public highways. As used in this division, "affiliated group" has the same meaning as in division (B)(3)(e) of section 5739.01 of the Revised Code and "direct marketing" has the same meaning as in division (B)(35) of this section.

(k) To use or consume the thing transferred to fulfill a contractual obligation incurred by a warrantor pursuant to a warranty provided as a part of the price of the tangible personal property sold or by a vendor of a warranty, maintenance or service contract, or similar agreement the provision of which is defined as a sale under division (B)(7) of section 5739.01 of the Revised Code;

(l) To use or consume the thing transferred in the production of a newspaper for distribution to the public;

(m) To use tangible personal property to perform a service listed in division (B)(3) of section 5739.01 of the Revised Code, if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service;

(n) To use or consume the thing transferred primarily in producing tangible personal property for sale by farming, agriculture, horticulture, or floriculture. Persons engaged in rendering farming, agriculture, horticulture,

or floriculture services for others are deemed engaged primarily in farming, agriculture, horticulture, or floriculture. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

(o) To use or consume the thing transferred in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing;

(p) To provide the thing transferred to the owner or lessee of a motor vehicle that is being repaired or serviced, if the thing transferred is a rented motor vehicle and the purchaser is reimbursed for the cost of the rented motor vehicle by a manufacturer, warrantor, or provider of a maintenance, service, or other similar contract or agreement, with respect to the motor vehicle that is being repaired or serviced.

As used in division (B)(42) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of section 5739.01 of the Revised Code.

(43) Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no other personal property or personal service is provided as part of the transaction.

(44) Sales of replacement and modification parts for engines, airframes, instruments, and interiors in, and paint for, aircraft used primarily in a fractional aircraft ownership program, and sales of services for the repair, modification, and maintenance of such aircraft, and machinery, equipment, and supplies primarily used to provide those services.

(45) Sales of telecommunications service that is used directly and primarily to perform the functions of a call center. As used in this division, "call center" means any physical location where telephone calls are placed or received in high volume for the purpose of making sales, marketing, customer service, technical support, or other specialized business activity, and that employs at least fifty individuals that engage in call center activities on a full-time basis, or sufficient individuals to fill fifty full-time equivalent positions.

(46) Sales by a telecommunications service vendor of 900 service to a subscriber. This division does not apply to information services, as defined in division (FF) of section 5739.01 of the Revised Code.

(47) Sales of value-added non-voice data service. This division does not apply to any similar service that is not otherwise a telecommunications service.

(48)(a) Sales of machinery, equipment, and software to a qualified direct selling entity for use in a warehouse or distribution center primarily for storing, transporting, or otherwise handling inventory that is held for sale to independent salespersons who operate as direct sellers and that is held primarily for distribution outside this state;

(b) As used in division (B)(48)(a) of this section:

(i) "Direct seller" means a person selling consumer products to individuals for personal or household use and not from a fixed retail location, including selling such product at in-home product demonstrations, parties, and other one-on-one selling.

(ii) "Qualified direct selling entity" means an entity selling to direct sellers at the time the entity enters into a tax credit agreement with the tax credit authority pursuant to section 122.17 of the Revised Code, provided that the agreement was entered into on or after January 1, 2007. Neither contingencies relevant to the granting of, nor later developments with respect to, the tax credit shall impair the status of the qualified direct selling entity under division (B)(48) of this section after execution of the tax credit agreement by the tax credit authority.

(c) Division (B)(48) of this section is limited to machinery, equipment, and software first stored, used, or consumed in this state within the period commencing June 24, 2008, and ending on the date that is five years after that date.

(49) Sales of materials, parts, equipment, or engines used in the repair or maintenance of aircraft or avionics systems of such aircraft, and sales of repair, remodeling, replacement, or maintenance services in this state performed on aircraft or on an aircraft's avionics, engine, or component materials or parts. As used in division (B)(49) of this section, "aircraft" means aircraft of more than six thousand pounds maximum certified takeoff weight or used exclusively in general aviation.

(50) Sales of full flight simulators that are used for pilot or flight-crew training, sales of repair or replacement parts or components, and sales of repair or maintenance services for such full flight simulators. "Full flight simulator" means a replica of a specific type, or make, model, and series of aircraft cockpit. It includes the assemblage of equipment and computer programs necessary to represent aircraft operations in ground and flight conditions, a visual system providing an out-of-the-cockpit view, and a system that provides cues at least equivalent to those of a three-degree-of-freedom motion system, and has the full range of capabilities of the systems installed in the device as described in appendices A and B of part 60 of chapter 1 of title 14 of the Code of Federal Regulations.

(51) Any transfer or lease of tangible personal property between the state and JobsOhio in accordance with section 4313.02 of the Revised Code.

(52)(a) Sales to a qualifying corporation.

(b) As used in division (B)(52) of this section:

(i) "Qualifying corporation" means a nonprofit corporation organized in this state that leases from an eligible county land, buildings, structures, fixtures, and improvements to the land that are part of or used in a public recreational facility used by a major league professional athletic team or a class A to class AAA minor league affiliate of a major league professional athletic team for a significant portion of the team's home schedule, provided the following apply:

(I) The facility is leased from the eligible county pursuant to a lease that requires substantially all of the revenue from the operation of the business or activity conducted by the nonprofit corporation at the facility in excess of operating costs, capital expenditures, and reserves to be paid to the eligible county at least once per calendar year.

(II) Upon dissolution and liquidation of the nonprofit corporation, all of its net assets are distributable to the board of commissioners of the eligible county from which the corporation leases the facility.

(ii) "Eligible county" has the same meaning as in section 307.695 of the Revised Code.

(53) Sales to or by a cable service provider, video service provider, or radio or television broadcast station regulated by the federal government of cable service or programming, video service or programming, audio service or programming, or electronically transferred digital audiovisual or audio work. As used in division (B)(53) of this section, "cable service" and "cable service provider" have the same meanings as in section 1332.01 of the Revised Code, and "video service," "video service provider," and "video programming" have the same meanings as in section 1332.21 of the Revised Code.

(54) Sales of disposable baby diapers.

(55) Sales of tampons, panty liners, menstrual cups, sanitary napkins, and other similar tangible personal property the principal purpose of which is feminine hygiene in connection with the menstrual cycle.

(C) For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed that all sales made in this state are subject to the tax until the contrary is established.

(D) The levy of this tax on retail sales of recreation and sports club service shall not prevent a municipal corporation from levying any tax on recreation and sports club dues or on any income generated by recreation and sports club dues.

(E) The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the

state, and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of the tax levied by this section or section 5739.021, 5739.023, or 5739.026 of the Revised Code.

Sec. 5739.212. On or before the twentieth day of the month in which a certification is made under division (B)(1) of section 5739.21 of the Revised Code, the director of budget and management shall pay from the general revenue fund to the county treasurer of a county or fiscal officer of a transit authority levying a tax or taxes pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code an amount equal to the difference obtained by subtracting (a) the amount of the payment provided to the county treasurer or fiscal officer under division (D) of section 5739.21 of the Revised Code for the applicable month from (b) the amount the tax commissioner estimates would have been payable to that county treasurer or fiscal officer under that division for that month if section 5739.02 of the Revised Code had not been amended by H.B. 466 of the 131st general assembly. A payment received by a county treasurer or fiscal officer under this division shall be deposited as would revenue from such tax or taxes levied by the county or transit authority as required under section 5739.211 of the Revised Code proportionately according to the ratio the rate of each such tax levied by the county or transit authority bears to the total rate of all such taxes levied thereby.

Sec. 5741.033. On or before the twentieth day of the month in which a certification under division (B) of section 5741.03 of the Revised Code is made, the director of budget and management shall pay from the general revenue fund to the county treasurer of a county or fiscal officer of a transit authority levying the tax or taxes pursuant to section 5741.021, 5741.022, or 5741.023 of the Revised Code an amount equal to the difference obtained by subtracting (a) the amount of the payment provided to the county treasurer or fiscal officer under division (B) of section 5741.03 of the Revised Code for the applicable month from (b) the amount the tax commissioner estimates would have been payable to that county treasurer or fiscal officer under that division for that month if section 5739.02 of the Revised Code had not been amended by H.B. 466 of the 131st general assembly. A payment received by a county treasurer or fiscal officer under this division shall be deposited as would revenue from such tax or taxes levied by the county or transit authority as required under section 5741.031 of the Revised Code proportionately according to the ratio the rate of each such tax levied by the

county or transit authority bears to the total rate of all such taxes levied thereby."

In line 1139, delete "section" and insert "sections 131.51,"; after "5739.01" insert ", and 5739.02"

In line 1140, delete "is" and insert "are"

In line 1144, after the period insert "The amendment by this act of section 5739.02 of the Revised Code applies on and after August 1, 2017."

The question being, "Shall the motion to amend be agreed to?"

Representative Schuring moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted – yeas 63, nays 33, as follows:

Those who voted in the affirmative were: Representatives

Amstutz	Anielski	Antani	Arndt
Baker	Becker	Blessing	Boose
Brenner	Brinkman	Brown	Buchy
Burkley	Butler	Condit	Cupp
Dean	Derickson	Dever	DeVitis
Dovilla	Duffey	Ginter	Gonzales
Green	Grossman	Hall	Hambley
Hayes	Henne	Hill	Hood
Huffman	Johnson, T.	Koehler	Kunze
Landis	LaTourette	Maag	Manning
McClain	McColley	Pelanda	Perales
Reineke	Retherford	Rezabek	Roegner
Romanchuk	Ruhl	Ryan	Schaffer
Schuring	Sears	Slaby	Smith, R.
Sprague	Terhar	Thompson	Vitale
Young	Zeltwanger		Rosenberger-63

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Bishoff
Bocchieri	Boggs	Boyce	Boyd
Celebrezze	Cera	Clyde	Craig
Curtin	Driehaus	Fedor	Howse
Johnson, G.	Kuhns	Leland	Lepore-Hagan
O'Brien, M.	O'Brien, S.	Patmon	Patterson
Phillips	Ramos	Reece	Rogers
Sheehy	Smith, K.	Strahorn	Sweeney
			Sykes-33

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 96, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Amstutz	Anielski	Antani	Antonio
Arndt	Ashford	Baker	Barnes
Becker	Bishoff	Blessing	Bocchieri

Boggs	Boose	Boyce	Boyd
Brenner	Brinkman	Brown	Buchy
Burkley	Butler	Celebrezze	Cera
Clyde	Conditt	Craig	Cupp
Curtin	Dean	Derickson	Dever
DeVitis	Dovilla	Driehaus	Duffey
Fedor	Ginter	Gonzales	Green
Grossman	Hall	Hambley	Hayes
Henne	Hill	Hood	Howse
Huffman	Johnson, G.	Johnson, T.	Koehler
Kuhns	Kunze	Landis	LaTourette
Leland	Lepore-Hagan	Maag	Manning
McClain	McColley	O'Brien, M.	O'Brien, S.
Patmon	Patterson	Pelanda	Perales
Phillips	Ramos	Reece	Reineke
Retherford	Rezabek	Roegner	Rogers
Romanchuk	Ruhl	Ryan	Schaffer
Schuring	Sears	Sheehy	Slaby
Smith, K.	Smith, R.	Sprague	Strahorn
Sweeney	Sykes	Terhar	Thompson
Vitale	Young	Zeltwanger	Rosenberger-96

The bill passed.

Representative Smith, R. moved to amend the title as follows:

Add the names: "Amstutz, Anielski, Antani, Antonio, Arndt, Baker, Blessing, Boccieri, Boose, Boyce, Brenner, Brown, Buchy, Burkley, Celebrezze, Conditt, Craig, Cupp, Derickson, DeVitis, Duffey, Fedor, Green, Grossman, Hayes, Henne, Johnson, T., Leland, Lepore-Hagan, Manning, McClain, McColley, O'Brien, M., O'Brien, S., Patterson, Pelanda, Perales, Reece, Reineke, Retherford, Roegner, Romanchuk, Ruhl, Ryan, Schuring, Sears, Sheehy, Sprague, Strahorn, Sweeney, Terhar, Thompson, Young, Speaker Rosenberger."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 410-Representatives Rezabek, Hayes.

Cosponsors: Representatives Brenner, Blessing, Henne, Manning, Patmon.

To amend sections 2151.011, 2151.022, 2151.18, 2151.23, 2151.27, 2151.28, 2151.311, 2151.35, 2151.354, 2152.02, 2152.021, 2152.19, 2152.26, 2919.24, 3313.534, 3313.66, 3314.03, 3321.041, 3321.13, 3321.16, 3321.19, 3321.191, 3321.22, 3321.38, 3326.11, 3328.24, and 4510.32 and to enact section 3313.668 of the Revised Code with regard to truancy and compulsory school attendance, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Patterson moved to amend, amendment 2108x3, as follows:

In line 9 of the title, after "attendance" insert "and to make an appropriation"

In line 3698, after the period insert "(A)(1) A competitive grant program is hereby established for the 2016-2017 and 2017-2018 school years to provide city, local, and exempted village school districts with funds to help offset the costs of implementing the absence intervention team process established by this act.

(2) A district that wishes to receive a grant from the program shall submit an application to the Department of Education, in a form and manner specified by the Department. A district shall submit an application for each school year in which it wishes to receive a grant.

(3) For each school year, the Department shall decide whether to award a grant to a district that has submitted an application under division (A) (2) of this section based on the district's demonstration of need in the application. If the Department decides to award a grant to a district, the grant shall be in the amount of not more than \$50,000, as determined by the Department.

(B) The Department shall prepare a report regarding the provisions of this section that addresses both of the following:

(1) Whether the General Assembly should extend the provisions of this section beyond the 2017-2018 school year and, if so, whether and how the provisions of this section should be modified;

(2) Whether the amount of funding appropriated for purposes of this section is sufficient.

The report shall be submitted to the General Assembly, in accordance with section 101.68 of the Revised Code, not later than December 31, 2017.

Section 5. All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all appropriations made in this act, those in the first column are for fiscal year 2017 and those in the second column are for fiscal year 2018. The appropriations made in this act are in addition to any other appropriations made for the FY 2016-2017 biennium and the FY 2018-2019 biennium.

EDU DEPARTMENT OF EDUCATION

General Revenue Fund

GRF 200XXX	Absence Intervention Pilot	\$8,000,000
\$8,000,000		

TOTAL GRF	General Revenue Fund	
\$8,000,000	\$8,000,000	

TOTAL ALL BUDGET FUND GROUPS
 \$8,000,000 \$8,000,000

ABSENCE INTERVENTION PILOT

(A) The foregoing appropriation item 200XXX, Absence Intervention Pilot, shall be used to make payments to school districts pursuant to Section 4 of this act. An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 200XXX, Absence Intervention Pilot, at the end of fiscal year 2017 is hereby appropriated to the Department of Education for the same purpose for fiscal year 2018.

(B)(1) Notwithstanding sections 131.43 and 131.44 of the Revised Code, on July 1 of each of fiscal years 2017 and 2018, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$8,000,000 cash from the Budget Stabilization Fund (Fund 7013) to the General Revenue Fund.

(2) On July 1, 2018, or as soon as possible thereafter, the Director of Budget and Management shall transfer cash in an amount equal to the unexpended and unencumbered balance of appropriation item 200XXX, Absence Intervention Pilot, at the end of fiscal year 2018, if greater than zero, from the General Revenue Fund to the Budget Stabilization Fund (Fund 7013).

Section 6. Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the form and manner in which appropriation accounts shall be maintained.

Expenditures from the FY 2017 appropriation contained in this act shall be accounted for as though made in Am. Sub. H.B. 64 of the 131st General Assembly. The FY 2017 appropriation made in this act is subject to all provisions of Am. Sub. H.B. 64 of the 131st General Assembly that are generally applicable to such appropriations.

Expenditures from the FY 2018 appropriation contained in this act shall be accounted for as though made in the main operating appropriations act of the 132nd General Assembly. The FY 2018 appropriation made in this act is subject to all provisions of the main operating appropriations act of the 132nd General Assembly that are generally applicable to such appropriations.

Section 7."

The question being, "Shall the motion to amend be agreed to?"

Representative Schuring moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted – yeas 62, nays 34, as follows:

Those who voted in the affirmative were: Representatives

Amstutz	Anielski	Antani	Arndt
Baker	Becker	Blessing	Boose
Brenner	Brown	Buchy	Burkley
Butler	Conditt	Cupp	Dean
Derickson	Dever	DeVitis	Dovilla
Duffey	Ginter	Gonzales	Green
Grossman	Hall	Hambley	Hayes
Henne	Hill	Hood	Huffman
Johnson, T.	Koehler	Kunze	Landis
LaTourette	Maag	Manning	McClain
McColley	Pelanda	Perales	Reineke
Retherford	Rezabek	Roegner	Romanchuk
Ruhl	Ryan	Schaffer	Schuring
Sears	Slaby	Smith, R.	Sprague
Terhar	Thompson	Vitale	Young
Zeltwanger			Rosenberger-62

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Bishoff
Bocchieri	Boggs	Boyce	Boyd
Brinkman	Celebrezze	Cera	Clyde
Craig	Curtin	Driehaus	Fedor
Howse	Johnson, G.	Kuhns	Leland
Lepore-Hagan	O'Brien, M.	O'Brien, S.	Patmon
Patterson	Phillips	Ramos	Reece
Rogers	Sheehy	Smith, K.	Strahorn
Sweeney			Sykes-34

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 95, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Amstutz	Anielski	Antani	Antonio
Arndt	Ashford	Baker	Barnes
Becker	Bishoff	Blessing	Bocchieri
Boggs	Boose	Boyce	Boyd
Brenner	Brinkman	Brown	Burkley
Butler	Celebrezze	Cera	Clyde
Conditt	Craig	Cupp	Curtin
Dean	Derickson	Dever	DeVitis
Dovilla	Driehaus	Duffey	Fedor
Ginter	Gonzales	Green	Grossman
Hall	Hambley	Hayes	Henne
Hill	Hood	Howse	Huffman
Johnson, G.	Johnson, T.	Koehler	Kuhns
Kunze	Landis	LaTourette	Leland
Lepore-Hagan	Maag	Manning	McClain
McColley	O'Brien, M.	O'Brien, S.	Patmon
Patterson	Pelanda	Perales	Phillips
Ramos	Reece	Reineke	Retherford
Rezabek	Roegner	Rogers	Romanchuk

Ruhl	Ryan	Schaffer	Schuring
Sears	Sheehy	Slaby	Smith, K.
Smith, R.	Sprague	Strahorn	Sweeney
Sykes	Terhar	Thompson	Vitale
Young	Zeltwanger		Rosenberger-95

Representative Buchy voted in the negative-1.

The bill passed.

Representative Rezabek moved to amend the title as follows:

Add the names: "Amstutz, Anielski, Antonio, Arndt, Baker, Barnes, Boyd, Grossman, McClain, Ryan, Sheehy, Slaby, Smith, R., Sweeney, Young, Speaker Rosenberger."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Am. H. B. No. 429-Representatives Antani, Reineke.

Cosponsors: Representatives Duffey, Hackett, Young, Grossman, Baker, Barnes.

To amend Section 257.30 of Am. Sub. H.B. 64 of the 131st General Assembly regarding employers of automotive technicians and motor vehicle technicians participating in the Incumbent Workforce Training Voucher Program, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 88, nays 5, as follows:

Those who voted in the affirmative were: Representatives

Amstutz	Anielski	Antani	Antonio
Arndt	Ashford	Baker	Barnes
Becker	Bishoff	Blessing	Bocchieri
Boggs	Boose	Boyce	Boyd
Brenner	Brown	Buchy	Burkley
Celebrezze	Cera	Clyde	Conditt
Craig	Cupp	Dean	Derickson
Dever	DeVitis	Dovilla	Driehaus
Duffey	Fedor	Ginter	Gonzales
Green	Grossman	Hall	Hambley
Hayes	Hill	Hood	Howse
Huffman	Johnson, G.	Johnson, T.	Koehler
Kuhns	Kunze	Landis	LaTourette
Leland	Lepore-Hagan	Maag	Manning
McClain	McColley	O'Brien, M.	O'Brien, S.
Patmon	Patterson	Pelanda	Perales
Phillips	Ramos	Reece	Reineke
Rezabek	Rogers	Romanchuk	Ruhl
Ryan	Schaffer	Schuring	Sears
Sheehy	Slaby	Smith, K.	Smith, R.
Sprague	Strahorn	Sykes	Terhar
Thompson	Young	Zeltwanger	Rosenberger-88

Representatives Brinkman, Butler, Henne, Retherford, and Vitale voted in the negative-5.

The bill passed.

Representative Antani moved to amend the title as follows:

Add the names: "Anielski, Antonio, Arndt, Ashford, Boyd, Brown, Burkley, Craig, Derickson, Dovilla, Driehaus, Fedor, Hambley, Howse, Kuhns, Kunze, Leland, Lepore-Hagan, Manning, McClain, O'Brien, M., O'Brien, S., Patterson, Reece, Rogers, Schaffer, Sheehy, Smith, K., Sprague, Thompson."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 75-Senators Jones, Peterson.

Cosponsors: Senators Gardner, Beagle, Balderson, LaRose, Manning, Eklund, Patton, Cafaro, Gentile, Coley, Bacon, Brown, Burke, Faber, Hite, Hottinger, Hughes, Jordan, Lehner, Obhof, Schiavoni, Tavares, Thomas Representatives Hill, Burkley, Patterson, Boose, Buchy, Cera, Hagan, Koehler, LaTourette, O'Brien, S., Phillips, Retherford, Rezabek, Ruhl, Schaffer.

To amend sections 303.21, 519.21, and 5713.30 and to enact section 901.80 of the Revised Code to limit the authority of a board of county commissioners or board of township trustees to prohibit agritourism through zoning, to apply current agricultural use valuation to land used for agritourism for property tax purposes, and to establish immunity in a civil action for agritourism providers, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 92, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Amstutz	Anielski	Antani	Antonio
Arndt	Ashford	Baker	Barnes
Becker	Bishoff	Blessing	Bocchieri
Boggs	Boose	Boyce	Boyd
Brenner	Brinkman	Buchy	Burkley
Butler	Celebrezze	Cera	Clyde
Conditt	Craig	Cupp	Dean
Derickson	Dever	DeVitis	Dovilla
Driehaus	Duffey	Fedor	Ginter
Gonzales	Green	Grossman	Hall
Hambley	Hayes	Henne	Hill
Hood	Howse	Huffman	Johnson, G.
Johnson, T.	Koehler	Kuhns	Kunze
Landis	LaTourette	Leland	Lepore-Hagan
Maag	Manning	McClain	McColley
O'Brien, M.	O'Brien, S.	Patterson	Pelanda
Perales	Phillips	Ramos	Reece
Reineke	Retherford	Rezabek	Roegner

Rogers	Romanchuk	Ruhl	Ryan
Schaffer	Schuring	Sears	Sheehy
Slaby	Smith, K.	Smith, R.	Sprague
Strahorn	Sykes	Terhar	Thompson
Vitale	Young	Zeltwanger	Rosenberger-92

Representative Patmon voted in the negative-1.

The bill passed.

Representative Burkley moved to amend the title as follows:

Add the names: "Anielski, Antani, Antonio, Arndt, Baker, Boccieri, Boggs, Brenner, Celebrezze, Conditt, Derickson, Dovilla, Fedor, Ginter, Grossman, Hall, Hambley, Hayes, Johnson, T., Landis, Lepore-Hagan, Manning, McClain, O'Brien, M., Ramos, Reece, Reineke, Rogers, Ryan, Sears, Sheehy, Slaby, Smith, R., Sprague, Strahorn, Thompson, Young, Speaker Rosenberger."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on May 4, 2016, signed the following:

Am. Sub. H. B. No. 233-Representative Schuring - et al.

Am. S. B. No. 239-Senator Hughes - et al.

Sub. S. B. No. 264-Senator Bacon - et al.

On motion of Representative Amstutz, the House adjourned until Thursday, May 5, 2016 at 9:00 o'clock a.m.

Attest:

BRADLEY J. YOUNG,
Clerk.